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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,592	06/25/2003	Steven E. Tivey	52493.000313	1425
21967	7590	03/03/2008	EXAMINER	
HUNTON & WILLIAMS LLP INTELLECTUAL PROPERTY DEPARTMENT 1900 K STREET, N.W. SUITE 1200 WASHINGTON, DC 20006-1109			MCCORMICK, GABRIELLE A	
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/602,592	TIVEY ET AL.
	Examiner GABRIELLE MCCORMICK	Art Unit 3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 31 January 2008.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-19 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-19 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____

5) Notice of Informal Patent Application

6) Other: _____

DETAILED ACTION

Status of Claims

1. This action is in reply to the Remarks filed on January 31, 2008.
2. Claims 1-19 are currently pending and have been examined.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 6-8, 11 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leadtrack.com (pages documented from the Internet Archive on July 21, 2001 (<http://web.archive.org/web/20010801185659/leadtrack.com/faq.html>) and December 1, 2001 (<http://web.archive.org/web/20011205051744/www.leadtrack.com/features.html>) and <http://web.archive.org/web/20011224094912/www.leadtrack.com/screen-customer.html>) hereinafter referred to as "Leadtrack") in view of Lambert et al. (US. Pat. No. 6,374,241 hereinafter referred to as "Lambert").
5. **Claims 1 and 16:** Leadtrack discloses a *processor, network and memory* (pg. 1; para. 3: process or and memory are inherent in the "desktop PC")
 - *inputting new sales lead information representing a new sales lead from an agent using an agent computer interface;* (pg. 5: "data that is entered via keyboard")
 - *transmitting the new sales lead information to a lead processing portion, the lead processing portion having a leads memory portion, the leads memory portion storing existing sales lead information relating to existing sales leads;* (pg. 2; first "bullet": "on-line duplicate checking...append to previously entered records..." It is inherent that existing information is stored in order to perform the disclosed "duplicate checking")

- *comparing the new sales lead information with the existing sales lead information;* (pg. 2; first "bullet": "on-line duplicate checking...append to previously entered records...")
- *determining if there is a match between the new sales lead information and any of the existing sales lead information;* (pg. 2; first "bullet": "on-line duplicate checking...append to previously entered records rather than creating a duplicate")

6. Leadtrack does not disclose *tagging the new sales lead information as a duplicate*.

7. Lambert, however, discloses a method for detecting duplicate entries in a database by matching phone numbers and calculating a score based on name matching (col. 1; line 54-col. 2; line 4). Further, Lambert discloses tagging duplicates (col. 47; lines 27-28).

8. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included tagging, as disclosed by Lambert in the system disclosed by Leadtrack, for the motivation of providing an alert that duplicate data is contained in the file. Leadtrack discloses that the process of duplicate checking requires one to append new information to previously entered records (pg. 2; first bullet), therefore, it is obvious that the system of Leadtrack would benefit with the expansion to include an intermediary step of tagging the duplicate information so that the data entry person is alerted to the duplicate information and can properly append it to the existing record rather than creating a duplicate record.

9. Lambert does not disclose that the duplicates that are tagged are new sales lead information, however, these differences are only found in the **nonfunctional descriptive data** and are not functionally involved in the steps recited. **The tagging of duplicates would be performed regardless of type of data (i.e., category names or sales leads).** Thus, this descriptive data will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

10. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included sales lead names in place of category names in the tagging process because such data does not functionally relate to the steps in the method claimed and because

the subjective interpretation of type of data (i.e., a sales lead name vs. a category name) does not patentably distinguish the claimed invention.

- 11. **Claim 2:** Leadtrack discloses the method of claim 1. Leadtrack does not disclose *forwarding the new sales lead information, which is tagged as a duplicate lead for further processing, the further processing including further comparing the new sales lead information with the existing sales lead information.*
- 12. Lambert however, discloses that categories are tagged as duplicates and a transitive matching technique is used such that subsequent matches to other categories are determined (col. 47; lines 26-42).
- 13. Lambert does not disclose that the duplicates that are tagged are new sales lead information, however, these differences are only found in the **nonfunctional descriptive data** and are not functionally involved in the steps recited. **The further processing of duplicates would be performed regardless of type of data (i.e., category names or sales leads).** Thus, this descriptive data will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).
- 14. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included sales lead names in place of category names in the tagging process because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of type of data (i.e., a sales lead name vs. a category name) does not patentably distinguish the claimed invention.
- 15. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included further comparisons, as disclosed by Lambert, in the system disclosed by Leadtrack, for the motivation of ascertaining all the categories in which a record contains duplicate data.
- 16. **Claims 6 and 7:** Leadtrack in view of Lambert discloses the method of claim 1. Leadtrack discloses *determining if there is a match between the new sales lead information and any of the*

existing sales lead information (pg. 2; first "bullet": "on-line duplicate checking...append to previously entered records..."). Leadtrack does not disclose that this is performed in parallel and prior to the sales agent working the new sales lead.

17. However, these differences are only found in the **nonfunctional descriptive data** and are not functionally involved in the steps recited. **The determining of matches would be performed regardless of when the sales agent begins to work the lead.** Thus, this descriptive data will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).
18. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the matching would take place, regardless of when the sales agent begins working the lead because such data does not functionally relate to the steps in the method claimed, thus the timing (parallel or prior to) of the match determination is not given patentable weight.
19. It is further obvious that the matching can be performed either prior to or in parallel to working the lead. It would have been obvious to one of ordinary skill in the art to allow for match determination to take place either parallel to or prior to a sales agent working the lead since the claimed invention is merely a combination of old elements (determining a match and sales agents working leads) and in the combination, each element would have performed the same function (the match would still be determined and sales agents would still work leads) as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.
20. **Claim 8:** Leadtrack discloses *viewing* (pg. 2: first bullet: duplicate check results in new information appended to old record and pg. 3; "Customer Master File Screen" displays data records) and sales departments (pg. 3; "LEADtrack Plus" is used by sales departments).
21. **Claims 9, 10, 17 and 18:** Leadtrack in view of Lambert discloses the method of claim 1. Leadtrack discloses *determining if there is a match between the new sales lead information and*

any of the existing sales lead information (pg. 2; first "bullet": "on-line duplicate checking...append to previously entered records rather than creating a duplicate"). Leadtrack does not disclose loading the new sales lead information into the leads memory portion in conjunction with assigning a new lead identifier number to the new sales lead based on the new sales lead information, and wherein each of the existing sales leads in the leads memory portion have previously been assigned a respective existing lead identifier number, upon the existing sales leads having been initially loaded into the leads memory portion; and comparing the new lead identifier number with each of the existing lead identifier numbers or the existing lead identifier numbers and the new lead identifier number is generated based on name and address information in the existing sales lead information and the new lead information, respectively.

22. Lamburt, however, discloses, "Each particular business entry may have a unique identifier (col. 14; lines 64-65), "a separate table for each ID corresponding to a business and its business address" (col. 15; lines 1-2) and searching for matches based on phone numbers in an existing database. (col. 41; line 63 - col. 42; line 1).
23. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included searchable identifiers based on a name and address, as disclosed by Lamburt, in the system disclosed by Leadtrack, for the motivation of providing a numeric quantity or metric for determining whether two name entries match. (Lamburt; col. 43; lines 26-28).
24. **Claim 11:** Leadtrack discloses *the internet*. (pg. 3; "LEADtrack Remote").
25. **Claim 15:** Leadtrack discloses using its software to "create, modify or look-up leads" (pg. 3; para. 1). Therefore, it is inherent that the "on-line duplicate checking" (pg. 2; first bullet) also pertains to all leads and further allows a second agent to work a new lead (disclosed as "sales departments" and "lead tracking" on pg. 3; "LEADtrack Plus").
26. **Claims 3 and 12-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Leadtrack.com (pages documented from the Internet Archive on July 21, 2001 (<http://web.archive.org/web/20010801185659/leadtrack.com/faq.html>) and December 1, 2001

(<http://web.archive.org/web/20011205051744/www.leadtrack.com/features.html>) and
<http://web.archive.org/web/20011224094912/www.leadtrack.com/screen-customer.html>)
hereinafter referred to as "Leadtrack" in view of Lambert et al. (US. Pat. No. 6,374,241, hereinafter referred to as "Lambert") in view of **Official Notice**.

27. **Claims 3, 12, 13 and 14:** These claims all relate to processing, reviewing and working together of sales department personal, such as managers and agents. Leadtrack discloses that the use of the Leadtrack system "is a sales lead automation system used by...sales departments...one can easily run reports ranging from an analysis of territory performance to media source impact studies." (pg. 3; "LEADtrack Plus"). Inherent in any sales department are agents and managers working together. Further, the Examiner takes **Official Notice** that data review and quality control of data are old and well known in the data processing arts. This is accomplished manually by auditors that perform calculations on data and review data integrity to ensure accuracy.
28. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included manual data review in the system disclosed by Leadtrack, for the motivation of ensuring the leads are viable and worthy of devoting valuable resources to pursuing.
29. **Claims 4, 5 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Leadtrack.com (pages documented from the Internet Archive on July 21, 2001 (<http://web.archive.org/web/20010801185659/leadtrack.com/faq.html>) and December 1, 2001 (<http://web.archive.org/web/20011205051744/www.leadtrack.com/features.html>) and <http://web.archive.org/web/20011224094912/www.leadtrack.com/screen-customer.html>) hereinafter referred to as "Leadtrack" in view of Lambert et al. (US. Pat. No. 6,374,241, hereinafter referred to as "Lambert") in view of Hollister (US Pub. No. 2003/0229504).
30. **Claims 4 and 5:** Leadtrack in view of Lambert discloses the limitations of claim 1. Leadtrack does not disclose *categorizing the lead as agent lead distinguishing the lead as business generated by efforts of the sales agent weighed against involvement of the sales lead processing*

entity in procurement of the new sales lead or adjusting a commission of the sales agent based on the determination of whether to categorize the new lead as an agent generated lead.

31. Hollister, however, discloses "If a broker generates the lead through his marketing activities, he/she frequently charges the agent a referral fee (like 25-30% of the commission)." (para. [0024]).
32. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included categorizing the lead in order to determine commissions, as disclosed by Hollister, in the system disclosed by Leadtrack, for the motivation of providing fair compensation for expenses incurred by a broker to generate leads. (Hollister: para. [0024]: whoever pays to generate the lead "owns" the lead.)
33. **Claim 19:** Leadtrack discloses
 - *inputting new sales lead information representing a new sales lead from an agent using an agent computer interface;* (pg. 5: "data that is entered via keyboard")
 - *transmitting the new sales lead information to a lead processing portion, the lead processing portion having a leads memory portion, the leads memory portion storing existing sales lead information relating to existing sales leads;* (pg. 2; first "bullet": "on-line duplicate checking...append to previously entered records..." It is inherent that existing information is stored in order to perform the disclosed "duplicate checking")
 - *comparing the new sales lead information with the existing sales lead information;* (pg. 2; first "bullet": "on-line duplicate checking...append to previously entered records...")
 - *determining if there is a match between the new sales lead information and any of the existing sales lead information;* (pg. 2; first "bullet": "on-line duplicate checking...append to previously entered records rather than creating a duplicate")
34. Leadtrack does not disclose *tagging the new sales lead information as a duplicate.*
35. Lambert, however, discloses a method for detecting duplicate entries in a database by matching phone numbers and calculating a score based on name matching (col. 1; line 54-col. 2; line 4). Further, Lambert discloses tagging duplicates (col. 47; lines 27-28).

36. Lambert does not disclose that the duplicates that are tagged are new sales lead information, however, these differences are only found in the **nonfunctional descriptive data** and are not functionally involved in the steps recited. **The tagging of duplicates would be performed regardless of type of data (i.e., category names or sales leads).** Thus, this descriptive data will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).
37. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included sales lead names in place of category names in the tagging process because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of type of data (i.e., a sales lead name vs. a category name) does not patentably distinguish the claimed invention.
38. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included tagging, as disclosed by Lambert in the system disclosed by Leadtrack, for the motivation of providing an alert that duplicate data is contained in the file. Leadtrack discloses that the process of duplicate checking requires one to append new information to previously entered records (pg. 2; first bullet), therefore, it is obvious that the system of Leadtrack would benefit with the expansion to include an intermediary step of tagging the duplicate information so that the data entry person is alerted to the duplicate information and can properly append it to the existing record rather than creating a duplicate record.
39. Leadtrack does not disclose *forwarding the new sales lead information, which is tagged as a duplicate lead for further processing, the further processing including further comparing the new sales lead information with the existing sales lead information.*
40. Lambert however, discloses that categories are tagged as duplicates and a transitive matching technique is used such that subsequent matches to other categories are determined (col. 47; lines 26-42).

41. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included further comparisons, as disclosed by Lamburt, in the system disclosed by Leadtrack, for the motivation of ascertaining all the categories in which a record contains duplicate data.
42. Lamburt does not disclose that the duplicates that are tagged are new sales lead information, however, these differences are only found in the **nonfunctional descriptive data** and are not functionally involved in the steps recited. **The further processing of duplicates would be performed regardless of type of data (i.e., category names or sales leads).** Thus, this descriptive data will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).
43. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included sales lead names in place of category names in the tagging process because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of type of data (i.e., a sales lead name vs. a category name) does not patentably distinguish the claimed invention.
44. Leadtrack does not disclose *categorizing the lead as agent lead distinguishing the lead as business generated by efforts of the sales agent weighed against involvement of the sales lead processing entity in procurement of the new sales lead or adjusting a commission of the sales agent based on the determination of whether to categorize the new lead as an agent generated lead.*
45. Hollister, however, discloses "If a broker generates the lead through his marketing activities, he/she frequently charges the agent a referral fee (like 25-30% of the commission)." (para. [0024]).
46. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included categorizing the lead in order to determine commissions, as disclosed by Hollister, in the system disclosed by Leadtrack, for the motivation of providing fair

compensation for expenses incurred by a broker to generate leads. (Hollister: para. [0024]: whoever pays to generate the lead "owns" the lead.)

47. Leadtrack discloses determining if there is a match between the new sales lead information and any of the existing sales lead information (pg. 2; first "bullet": "on-line duplicate checking...append to previously entered records..."). Leadtrack does not disclose that this is performed in parallel and prior to the sales agent working the new sales lead.

48. However, these differences are only found in the nonfunctional descriptive data and are not functionally involved in the steps recited. **The determining of matches would be performed regardless of when the sales agent begins to work the lead.** Thus, this descriptive data will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

49. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the matching would take place, regardless of when the sales agent begins working the lead because such data does not functionally relate to the steps in the method claimed, thus the timing (parallel or prior to) of the match determination is not given patentable weight.

50. It is further obvious that the matching can be performed either prior to or in parallel to working the lead. It would have been obvious to one of ordinary skill in the art to allow for match determination to take place either parallel to or prior to a sales agent working the lead since the claimed invention is merely a combination of old elements (determining a match and sales agents working leads) and in the combination, each element would have performed the same function (the match would still be determined and sales agents would still work leads) as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Response to Arguments

51. Applicant's arguments filed January 31, 2008 have been fully considered but they are not persuasive.
52. Applicant asserts that the Examiner did not make a *prima facie* case of obviousness and argues the teaching of the secondary reference, Lambert with respect to claims 1 and 2. The interpretation of Lambert is detailed in the rejections above. Further, the Examiner contends that the nature of the data used in the applicant's system for matching, tagging and further processing (i.e., sales lead information) in non-functional descriptive material. Therefore, the capabilities of the system of Lambert to match, tag and further process data entries (names) is applicable, and therefore teaches the tagging and further processing of the applicant's system.
53. The Applicant disagrees with the motivation provided by the Examiner. To further clarify the record with regard to the combination of the two references, additional details are provided above.
54. Regarding arguments with respect to claims 6 and 7, the Examiner has further clarified the rejections, above.
55. The Examiner notes that Applicant did not challenge the Official Notice taken with regard to claims 3, 12, 13 and 14. The Examiner notes that the data review and quality control of data are taken to be admitted prior art because Applicant failed to traverse the Examiner's assertion of Official Notice.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH

shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabrielle McCormick whose telephone number is (571)270-1828. The examiner can normally be reached on Monday - Thursday (5:30 - 4:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/G. M./
Examiner, Art Unit 3629

/John G. Weiss/
Supervisory Patent Examiner, Art Unit 3629